

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 738
 SPONSOR: Senator Clary
 SUBJECT: Nonmandatory Land Reclamation Trust Fund
 DATE: February 6, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach	Hayes	AGG	Favorable
2.	_____	_____	AP	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This legislation re-creates the Nonmandatory Land Reclamation Trust Fund without modification, effective November 4, 2004. The Nonmandatory Land Reclamation Trust Fund, FLAIR #37-2-506, is administered by the Department of Environmental Protection. This fund was last re-created effective November 4, 2000, by Chapter 99-99, Laws of Florida.

II. Present Situation:

Section 378.033, F.S., creates the trust fund, and sections 211.31 and 211.3103, F.S., provide revenue sources. Sections 376.86, 378.034, 378.035, 378.036, and 403.4154, F.S., provide for the use of the fund. The purpose of the Nonmandatory Land Reclamation Trust Fund is to reclaim lands disturbed by phosphate mining that were not subject to mandatory reclamation and for the abatement of an imminent hazard related to phosphate mining. The major source of revenue for the trust fund is an excise tax on the severance of phosphate. According to LAS/PBS data, receipts to this fund for FY 2002-2003 were \$7.8 million.

III. Effect of Proposed Changes:

This bill re-creates the trust fund without modification

IV. Constitutional Issues:

- A. Municipality/County Mandates Restrictions:
 None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.